

## **REMARKS/ARGUMENTS**

### **Status of the Claims**

Prior to entry of this Amendment, claims 1-54 were pending for examination. This amendment amends claims 1, 15, 23, 27, 43, 49, 50 and 51. No claims are canceled. Claim 55 has been added. Hence, after entry of this amendment, claims 1-55 will stand pending for examination. Claims 1, 15, 27, 43 and 49 are independent claims. The applicants respectfully requests reconsideration of the pending claims, for at least the reasons presented below.

An Office Action mailed March 17, 2008 rejected claims 1-54 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,816,878 B1 to Zimmers et al. (hereinafter "Zimmers").

### **Claim Amendments**

Claims 1, 15, 27, 43 and 49 have been amended to clarify that "the alert gateway is located at a subscriber location and is in communication with subscriber equipment." Claims 50 and 51 have been amended to clarify that the network interface device is "located at a subscriber location." Support for these amendments can be found throughout the application, including, inter alia, in paragraph 52 of the specification. Claim 23 has been amended to correct a typographical error.

### **Informalities**

The Office Action has objected to claim 23 (method claim) as being dependent from the method of claim 8 (apparatus claim). Claim 23 has been amended to depend from claim 22 as suggested by the Examiner.

**35 U.S.C. § 102 Rejection, Zimmer**

The Office Action has rejected claims 1-54 under 35 U.S.C. § 102(e) as being anticipated by Zimmer et al. The applicants believe that the claims, as amended, overcome the rejections and respectfully request reconsideration of the rejected claims.

Independent claims 1, 15, 27, 43 and 49 have been amended to recite, inter alia, "the alert gateway is located at a subscriber location and is in communication with subscriber equipment." Zimmer fails to teach this element. Zimmer is directed to deliver alerts to, for example, a telephone or a pager (Zimmer, Abstract). However, a telephone or a pager, for example, are considered end point devices and are not further "in communication with subscriber equipment." Likewise, Zimmer fails to teach that the switch host computer 130 or the host controllable switch 132 as shown in Fig. 1 is "located at a subscriber location." For at least these reasons, independent claims 1, 15, 27, 43 and 49 are believed to be allowable over Zimmer. The remaining claims are believed to be allowable as depending from allowable base claims. Reconsideration of these claims is respectfully requested.

Claims 5, 19 and 31 recite "the first database comprising the directory of alert gateways" or a similar element. Because Zimmer fails to teach that "the alert gateway is located at a subscriber location and is in communication with subscriber equipment" as noted above, Zimmer likewise fails to teach a database comprising a directory of alert gateways. For at least this reason, claims 5, 19 and 31 are also believed to be allowable over Zimmer. Claims 6, 20 and 32 are also believed to be allowable as depending from allowable base claims. Reconsideration of these claims is respectfully requested.

Claims 34, 44 and 50 recite that "at least one of the plurality of alert gateways is incorporated within a network interface device" (emphasis added). In rejecting these claims, the Office Action appears to have interpreted the words "incorporated within" as "connected to" or "incorporated with." Office Action, p. 9. The applicants strongly disagree with such interpretations. The words of a claim must be given their "plain meaning," and "plain meaning" refers to the ordinary and customary meaning given to the term by those of ordinary skill in the art. MPEP § 2111.01. Those of ordinary skill in the art would not interpret "incorporated within"

as "connected to" or "incorporated with." Reconsideration of these claims is respectfully requested.

Claims 50 and 51 have been amended to clarify that the network interface device is "located at a subscriber location." The applicants respectfully submit that Zimmer fails to teach that "at least one of the plurality of alert gateways is incorporated within a network interface device located at a subscriber location" (emphasis added). Reconsideration of these claims is respectfully requested.

Claim 55 has been added to recite that "the alert gateway transmits the alert to the subscriber equipment." As noted above, Zimmer fails to teach "the alert gateway is located at a subscriber location and is in communication with subscriber equipment." Hence, Zimmer also fails to teach claim 55.

### CONCLUSION

In view of the foregoing, the applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

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